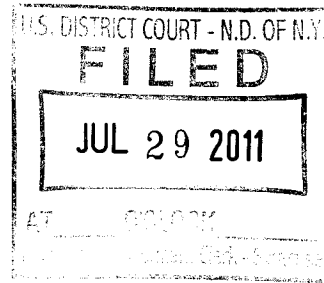


Reginald Sonds, prose sui juris
#47917-053
Federal Correctional Complex Institution-1
P.O. Box 5300 VIM BOP
Adelanto, CA 92301
760 246 2400 [phone number]
760 246 2461 [fax number]



UNITED STATES DISTRICT COURT
Northern District of New York
Reginald Sonds,)
Plaintiff,) No. _____
VS.)
Andrew M. Cuomo, New York state Office) COMPLAINT
of the Attorney General, and United States)
of America, and N.Y state DOCS, Cossackie CF)
Defendants)

Nature of the Case

1. This is a suit brought under the Freedom of Information Act (5 U.S.C. § 552), to compel disclosure to the Plaintiff of the names and business addresses of those employees of NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES COXSACKIE CORRECTIONAL FACILITY (and) employed in Cossackie, New York, and for a declaratory judgment against Andrew M. Cuomo declaring that the names and business addresses of the employees of New York Department of Correctional Facility Services Cossackie Correctional Facility for all other regional areas is information disclosable to the Plaintiff under the Act.

2. Plaintiff is a U.S. Government Defendant and prose sui juris.

3. Andrew M. Cuomo is made a Defendant in his official capacity. Service on the defendant may be made under the provisions of Rule 4(i) of the Federal Rules of Civil Procedure.

4. Defendant UNITED STATES is made a party to this action pursuant to the provision of 5 U.S.C. § 552 702.

Jurisdiction and Venue

5. This court has subject matter jurisdiction of this action under the Freedom of Information Act, and particularly 5 U.S.C. § 552(a)(4)(B).

6. In addition, because the claim arises by virtue of the Act, it arises under the laws of the United States and the court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331.

7. Venue is proper in the Northern District of New York pursuant to 5 U.S.C. § 552(a)(4)(B) because certain documents containing the information sought by Plaintiff under the Act are located within this District.

8. On 9/13/2010, Plaintiff made written request pursuant to the Act on Andrew M. Cuomo as Attorney General for USA & the New York state Office of the Attorney General, for the names and business addresses of each and every employee of the New York state Department of Correctional Services Office of Cossackie Correctional Facility NYS-DOCS. A true and correct copy of the request is attached to this complaint and incorporated by reference in it as Exhibit "A". Request 100749.

9. On 12/6/2010, Andrew M. Cuomo, through Amy C. Karp, acting in her official capacity denied the request, claiming "The OAG does not maintain any records that respond to your request; therefore, your FOIL request is closed." under Public Officers Law §§86(4) and 87(2) on the grounds that "FOIL requires that we grant access to documents or records that are 'kept, held, filed, produced or reproduced, by, with or for' the Office of the Attorney General ('OAG')." See Public Officers Law §§86(4) and 87(2). The OAG is not obligated to grant access to documents or records that do not exist, are not within the possession of the OAG or kept for the OAG. In addition, FOIL does not require the OAG to create documents or records to respond to a FOIL request. A true and correct copy of the denial is attached to this complaint and incorporated by reference in it as Exhibit "B". Request 100749.

10. On about 9/13/2010, Plaintiff made written request pursuant to the Act on Brian Fischer as Commissioner for the New York state Department of Correctional Services & Cossackie Correctional Facility, for the names and business addresses of each and every employee of the Cossackie Correctional Facility Office of New York state DOCS. A true and correct copy of the request is attached to this complaint and incorporated by reference in it as Exhibited "C". Re: FOIL Log No: 10-2145.

11. On November 24, 2010, Brian Fischer, through Chad Powell, acting in his official capacity denied the request, claiming "The records requested are not maintained by the Department's Central Office. We suggest that you write directly to Cossackie Correctional Facility at 11260 Route 9W, P.O. Box 200, Cossackie, New York 12051-0200." A true and correct copy of the denial is attached to this complaint and incorporated by reference in it as Exhibit "D". Re: Log No. 10-2145.

12. In a letter dated 12/10/2010, Plaintiff made its administrative appeal of the denial of the request to the Office of the Counsel of the Department of Correctional Services

~~Services~~
New York state. True and correct copies of Plaintiff's written appeal of the denial of the request is attached to this complaint and incorporated by reference in it as Exhibit "E". Re: FOIL Log No. 10-2145.

13. On _____, the appeal was denied on the same grounds as the initial denial of Plaintiff's request. A true and correct copy of the letter denying the administrative appeal of the plaintiff is not attached to this complaint and nor incorporated by reference in it as Exhibit " " because Plaintiff never received a response from the Counsel of the Department of Correctional Services. Re: FOIL Log No. 10-2145. New York state Department of Correctional Services.

14..Plaintiff has been aggrieved and damaged by the action or inaction of the defendants in acting or failing to act in their official capacity by refusing plaintiff's written request for disclosure of information under the Act.

15. Plaintiff has exhausted its administrative remedies to compel disclosure of such information.

16.The information sought by Plaintiff in its request is not exempt on the grounds cited by the defendants, because this information is not a unwarranted invasion of personal privacy ,and"each agency,in accordance with published rules,shall make available for public inspection and copying--(D) copies of all records,regardless of form or format, which have been released to any person under paragraph (3)and which,because of the nature of their subject matter,the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records; and (E) a general index of the records referred to under subparagraph (D);unless the materials are promptly published and copies offered for sale.For records created on or after November 1,1996,within one year after such date,each agency shall make such records available,...To the extent required to prevent a clearly unwarranted invasion of personal privacy,an agency may delete identifying details when it makes available or publishes...copies of records referred to in subparagraph (D). However,in each case the justification for the deletion shall be explained fully in writing,and the extent of such deletion shall be indicated on the portion of the record which is made available or published, unless including would harm an interest protected by the exemption in subsection (b) under which the deletion is made..."within the meaning of 5 U.S.C. §552(2)(D)(3)(E). "If technically feasible,the deletion shall be indicated at the place in the record where the deletion was made.Each agency shall also maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued,adopted,or promulgated after July 4,1967,and required by this paragraph to be made available or published." It's certify that Reginald Sonds 98A4855 was discharged June 5,2007 from the Cocksackie,C.F New York state having completed the Maximum Term in DOCS SHU #16 cell.The Plaintiff has a Civil Case Number: Court of Appeals Docket#:11-575 pending in 2nd Circuit. Sonds v.Doe#1,et al.

17,The information sought by the plaintiff cannot be compiled independently by the plaintiff and,unless this court grants the relief requested and compels disclosure, the plaintiff has no remedy at law or otherwise.

18.Furthermore,the refusal of plaintiff's request makes it evident that the defendants intend to deny all future requests for similar information relating to other offices of New York state DOCS, Cocksackie,C.F&,Office of the New York state Attorney General.

19. Under the Freedom of Information Act, the plaintiff is entitled to :

- a. An injunctive order compelling the defendants to disclose the information sought by plaintiff's request; and
- b. A declaratory judgment against the defendants declaring that similar information pertaining to all other regional offices of New York state DOCS, Cossackie, C.F., & Office of the New York state Attorney General is disclosable under the Freedom of Information Act and not exempt on the grounds claimed by defendants in response to plaintiff's request.

20. Plaintiff further seeks judgment against defendants for reasonable attorney's fees and its costs of litigation, which it has and will reasonably incur in this case.

Prayer

Plaintiff prays that:

A. The defendants be enjoined to disclosure of the names and addresses of each and every employee of Office of the Counsel, state Campus Building 2, New York state DOCS, & Cossackie, C.F. located in Albany, N.Y. and Cossackie N.Y.;

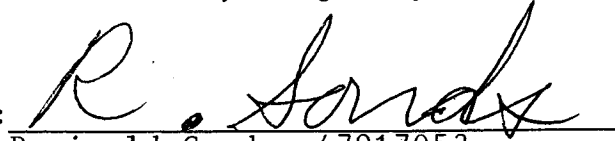
B. The court render a declaratory judgment against the defendants declaring that the names and addresses of each and every employee of Office of the Counsel New York state DOCS and Cossackie, Correctional Facility (CF) in any regional office or territory is nonexempt and subject to disclosure on written request under the Act;

C. The court award judgment against the defendants for the plaintiff's reasonable attorney's fees and costs of litigation reasonably incurred by Plaintiff in this case; and

D. The court grant plaintiff all other and further relief to which the Plaintiff may be justly entitled.

Dated: 7/18/2011

By:



Reginald Sonds, 47917053
FCI-1 BOP VIM
P.O. Box 5300
Adelanto, CA 92301.
760 246 2400
prose sui juris

Reginald Sonds, prose sui juris
 #47917-053
 Federal Correctional Complex - Institution-1
 P.O. Box 5300 VIM BOP
 Adelanto, CA 92301
 760 246 2400 [phone number]
 760 246 2461 [fax number]

UNITED STATES DISTRICT COURT
 Northern District of New York

Reginald Sonds,
 Plaintiff,
 VS.

) No. _____

) FOIA/PA

DOCS Andrew M. Cuomo, Attorney General, N.Y.s., COMPLAINT CERTIFICATE OF
 and "USA", and Coxsackie CF, Defendants.) SERVICE Fed. R. Civ. P. (5(d) (1)

I certify that, prior to 5:00 p.m. on 7/22/11, I placed a true and correct copy of the attached FOIA/PA Complaint, together with all attachments, exhibits, and supporting papers, in the United States mail, in [a] properly-addressed envelope[s], with first class postage duly paid and affixed to the envelope[s], and with the envelope[s] addressed to: Albany N.Y. 12226 N.Y. state 3, Office of the Counsel DOCS state Campus, Bldg 2, 1220 Washington Ave (10pg).

1. Andrew M. Cuomo
 Attorney for New York state Office of the Attorney General,
 and United States of America and N.Y. state DOCS, Coxsackie CF
 The State Capitol Albany. N.Y. 12224-0341 (10 pages)

2. Office of the Clerk LAWRENCE K. BAERMAN, U.S. Northern District
 Court Federal Building 100 South Clinton Street, P.O. Box 7367
 Syracuse, New York 13261. (2page IFP 2page authorize officer form added) 14.

I declare under penalty of perjury that all of the statements made in this "Certificate of Service" are true and correct and that if called to testify as a witness in this matter, I could and would competently testify to each of the facts set forth in the Certificate.

This Certificate was executed on 7/18/2011 at Adelanto, CA

Reginald Sonds
 Reginald Sonds

FREEDOM OF INFORMATION ACT &
PRIVACY ACT REQUEST TITLE 5 §§552 & 552a

TO: Andrew M. Cuomo, N.Y.s OAG
Attorney General N.Y.state
Capitol, P.O.Box 0341
Albany, N.Y. 12224-

FROM: Reginald Sonds
47 J 917053
FCI-1 BOP VIM
P.O.Box 5300
Adelanto, CA 92301

This is a request for full disclosure of information contained within or under the control of your agency as provided by the above stated statutes.

This information is sought from: Andrew M. Cuomo, N.Y.state
Brian S. Fischer, Commissioner
Attorney General; N.Y.state Department of Correctional Services and Coxsackie Correctional Facility. Re: Sonds v, Doe#1, et al.
9:10-cv-1130..

I request disclosure of all documents, records and files pertaining to me in addition to other materials identified by, or in reference to, a personal identifier assigned to my name, including but not limited to the following: reports, correspondence, ~~memoranda~~, telegrams, letters, transcripts and communications, including inquiries, notes, notations and memoranda of or relating to: telephone and inter-office conversations, meetings, conferences, instructions, (verbal & written) questionnaires, diaries, statements, appointment books, computer input / outputs, microfilm, photographs, analysis, evaluations, minutes, notes, records of interviews, and or other subject matter that may cross reference material relayed to me. All such records should reflect date; originator; addressee; authorizer; title; subject matter; references; status/action and custodian/location. This should apply to and include materials reproduced by electronic; xerographic; or photographic means. All & any full disclosure certified copys.
public records. Seeking disclosure of names of Doe#1, 2, 3, 4, 5.
Pursuant to the provisions of the FOIA and Privacy Act to permit me maximum access to these records within 20 working days after receipt by you of this request see U.S.C.A. Title 5 §552 (a)(6)(A)(i). If any material is deemed exempt, I request specific statements regarding the data deleted or withheld, a full statement for the reason and the for same. In addition, a list (Rosen List) of all particulars of the documentation denied. Vaughn index.

It is requested that this request be of the expedited kind due to my involvement in current litigation and one year statute of limitations under the AEDPA for §2255 petitions. A Certification of Identity - FORM DOJ-361 is attached.

Date: 9/13/2010

RESPECTFULLY SUBMITTED

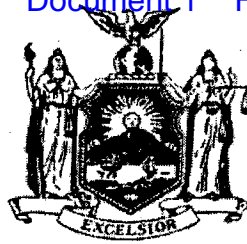
R. Sonds

9/13/2010

Suijuris

Pro se

Exhibit-A



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ANDREW M. CUOMO
ATTORNEY GENERAL

AMY C. KARP
Records Access Officer
Assistant Counsel

December 6, 2010

Mr. Reginald Sonds #47917053
Federal Correctional Institution-1
BOP, VIM
P.O. Box 5300
Adelanto, CA 92301

RE: Freedom of Information Law (FOIL) Request # 100749

Dear Mr. Sonds:

This is a response to your letter dated September 13, 2010 regarding the above referenced FOIL request.

Please be advised that FOIL requires that we grant access to documents or records that are "kept, held, filed, produced or reproduced, by, with or for" the Office of the Attorney General ("OAG"). See Public Officers Law §§ 86(4) and 87(2). The OAG is not obligated to grant access to documents or records that do not exist, are not within the possession of the OAG or kept for the OAG. In addition, FOIL does not require the OAG to create documents or records to respond to a FOIL request.

The OAG does not maintain any records that respond to your request; therefore, your FOIL request is closed.

Sincerely,

Amy C. Karp
Assistant Counsel

Exhibit - B

FREEDOM OF INFORMATION ACT &
PRIVACY ACT REQUEST TITLE 5 §§552 & 552a

TO: Brian S. Fischer, Commissioner
N.Y. state DOCS, The Hairiman
state Campus-Building 2
1220 Washington Ave
Albany, New York 12226-2050.

Reginald Sonds
FROM: 47 J 917053

FCI-1 BOP VIM

P.O.Box 5300

Adelanto, CA 92301

This is a request for full disclosure of information contained within or under the control of your agency as provided by the above stated statutes.

This information is sought from: Commissioner N.Y. state DOCS
Coxsackie Correctional Facility and Office of the Attorney
General

N.Y. state, Andrew M. Cuomo. Re: Sonds v. Doe #1, et al 9:10-cv-1130.

I request disclosure of all documents, records and files pertaining to me in addition to other materials identified by, or in reference to, a personal identifier assigned to my name, including but not limited to the following: reports, correspondence, memoranda, telegrams, letters, transcripts and communications; including inquiries, notes, notations and memoranda of or relating to: telephone and inter-office conversations, meetings, conferences, instructions, (verbal & written) questionnaires, diaries, statements, appointment books, computer input / outputs, microfilm, photographs, analysis, evaluations, minutes, notes, records of interviews, and or other subject matter that may cross reference material relayed to me. All such records should reflect date; originator; addressee; authorizer; title; subject matter; references; status/action and custodian/location. This should apply to and include materials reproduced by electronic; xerographic; or photographic means.

All & any full disclosure certified cypys.
Pursuant to the provisions of the FOIA and Privacy Act to permit me maximum access to these records within 20 working days after receipt by you of this request see U.S.C.A. Title 5 §552 (a)(6)(A)(i). If any material is deemed exempt, I request specific statements regarding the data deleted or withheld, a full statement for the reason and the for same. In addition, a list (Rosen List) of all particulars of the documentation denied. Vaughn index.

It is requested that this request be of the expedited kind due to my involvement in current litigation and one year statute of limitations under the AEDPA for §2255 petitions. A Certification of Identity - FORM DOJ-361 is attached.

Date: ~~10/19/2010~~

9/13/2010

RESPECTFULLY SUBMITTED

R. Sonds

Suijuris

Pro se

Exhibit-C



BRIAN FISCHER
COMMISSIONER

STATE OF NEW YORK
DEPARTMENT OF CORRECTIONAL SERVICES
THE HARRIMAN STATE CAMPUS - BUILDING 2
1220 WASHINGTON AVENUE
ALBANY, N.Y. 12226-2050

GAYLE HAPONIK
DEPUTY COMMISSIONER
ADMINISTRATIVE SERVICES

November 24, 2010

Mr. Reginald Sonds
#47917053
FCI-1, BOP, VIM
P.O. Box 5300
Adelanto, CA 92301

Re: FOIL Log No. 10-2145

Dear Mr. Sonds:

Commissioner Fischer has asked me to respond to your letter to him requesting records under the New York State Freedom of Information Law.

The records requested are not maintained by the Department's Central Office. We suggest that you write directly to Coxsackie Correctional Facility at 11260 Route 9W, P.O. Box 200, Coxsackie, New York 12051-0200.

If you do not agree with this decision, you may appeal by contacting the Office of the Counsel, Department of Correctional Services, State Campus, Building #2, 1220 Washington Avenue, Albany, New York, 12226, in writing.

Sincerely,

A handwritten signature in black ink, appearing to read "Chad Powell".

Chad Powell
Administrative Assistant
F.O.I.L. Unit

CP/sc
cc: Freedom of Information

Exhibit-D

Reginald Sonds
47J917 053
FCI-1, BOP, VIM
P.O. Box 5300
Adelanto, CA 92301

12/10/2010

Office of the Counsel,
DoCS, State Campus, FOIL Appeal
Building #2, 1220 Washington Ave.,
Albany, N. Y. 12226

Re: FOIL Log No. 10-2145

Dear Office:

I'm requesting to
appeal the B.S. Fischer,
Commissioner & Chad Powell,
Administrative Assistant
FOIL Unit decision.

Also Re: Sonds v. Doe
#1, et al, Civil Case #9:10-cv-
1130* Complaint Bivens Action
81983 caption is R. Sonds-
v-W. R. Lape, Supt, et al.

Exhibit-E

Reginald Sonds
prisoner